

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, June 23, 2010 – 9:00 a.m. – Room 210 Senate Building

Members Present:

Sen. Dennis E. Stowell, Senate Chair
Rep. Roger E. Barrus, House Chair
Sen. Allen M. Christensen
Sen. Margaret Dayton
Sen. Karen W. Morgan
Rep. Melvin R. Brown
Rep. Rebecca Chavez-Houck
Rep. Brad L. Dee
Rep. Jack R. Draxler
Rep. Kerry Gibson
Rep. James R. Gowans
Rep. Neal B. Hendrickson
Rep. Fred R. Hunsaker

Rep. John G. Mathis
Rep. Michael E. Noel
Rep. Patrick L. Painter
Rep. Phil Riesen
Rep. Ryan D. Wilcox
Rep. Bill Wright

Members Absent:

Rep. Ben C. Ferry

Staff Present:

Mr. J. Brian Allred, Policy Analyst
Mr. Christopher R. Parker, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stowell called the meeting to order at 9:10 a.m.

MOTION: Sen. Christensen moved to approve the minutes of the May 19, 2010 meeting. The motion passed unanimously. Rep. Brown, Rep. Dee, Rep. Gibson, Rep. Noel, and Rep. Painter were absent for the vote.

2. Water Source Protection Ordinance Compliance Report

Mr. Allred explained that Utah Code Section 19-4-113 requires counties of the first or second class to adopt a water source protection ordinance. The statute also requires that the Drinking Water Board report to the Committee indicating compliance with the ordinance and the effectiveness of the ordinances in retaining state primacy in regulating drinking water.

Ms. Kate Johnson, Administrative Services Section Manager, Division of Drinking Water, distributed "Water Source Protection Ordinance Compliance Report." She stated that as of June 22, 2010, all counties of the first and second class have enacted such ordinances. Other counties have enacted ordinances voluntarily. She noted that Washington and Davis counties will be modifying their ordinances to address enforcement requirements.

3. Use of "Liberal Construed" in Utah State Administrative Rules

Mr. Parker distributed and reviewed "Use of 'Liberal Construed' in Utah State Administrative Rules – Interpretation and Enforcement." He explained that the phrase "liberal construed" is a fairly common term in the law and is typically employed by the courts when some ambiguity is found in the statute. Mr. Parker indicated that the Committee has been asked by the Administrative Rules Review Committee to review certain rules within the Departments of Agriculture and Food, Environmental Quality, and Natural Resources to determine if any action needs to be taken to address the language.

Mr. Terry Menlove, Utah Department of Agriculture and Food, said the rule in question fits within the regulatory services division, which enforces and protects Utah's food supply as it pertains to such places as restaurants and institutions. He said the department will defer to the committee's recommendation.

Ms. Pattie Fauver, Division of Drinking Water, said Utah has primary enforcement authority for the federal Safe Drinking Water Act. She said the phrase "liberally construed" is meant to give the division the ability to use the most effective tool to gain compliance of public water systems to the rules and regulations.

Mr. Therron Blatter, Division of Environmental Response and Remediation, said their penalty requirement is tied to primacy. The language allows them to negotiate the penalty amount within the statutory limits with the goal being compliance. He discussed the factors considered in determining penalty amounts.

Mr. Mike Quealy, Utah Office of the Attorney General, discussed the administrative rules in question within the Department of Natural Resources. He indicated that the divisions within the department fill very unique roles. He stated that the rules work very well and do not go beyond the purview of the statute.

MOTION: Rep. Draxler moved to recommend that the existing language in the rules be allowed to stand. The motion passed unanimously. Rep. Gibson and Rep. Painter were absent for the vote.

4. Efforts to Increase the Number of Veterinarians in Utah

Dr. Bruce King, Department of Agriculture and Food, pointed out that there is a problem getting veterinarians into the rural areas. He explained that six different areas in the state have been accepted for the federal veterinary loan forgiveness program. Dr. King said that although this is a short-term measure it will hopefully encourage veterinarians to choose to practice in a rural area.

Dr. Kenneth White, Department Head, Animal, Dairy, and Veterinary Science, Utah State University (USU), distributed a copy of his presentation, "WSU-USU Regionally Distributed Veterinary Education Program (RDVEP)." He explained that the program proposes that the first two years of the curriculum be taught at USU and the second two years the students would transfer to Washington State University (WSU) School of Veterinary Medicine. He said the program would increase the number of veterinarians and the capacity for research and service programs in Utah by veterinary faculty members.

Mr. Brian Slinker, Dean of the College of Veterinary Medicine, WSU, discussed the admittance process that could maximize the chances of admitting students from diverse backgrounds in order to target specific needs, which would help to address the concern of getting veterinarians to practice in rural areas. He also stated that the program would tap into the resources at USU and veterinarians in Utah as part of the extended network of private practice veterinarians that help educate the students.

MOTION: Rep. Gibson moved to recommend that Rep. Mathis pursue legislation and that the Committee support and encourage the concept of the WSU-USU Regionally Distributed Veterinary Education Program as presented. The motion passed unanimously. Sen. Morgan, Rep. Gowans, and Rep. Painter were absent for the vote. Rep. Mathis declared a conflict of interest as a practicing veterinarian.

Chair Stowell turned the chair over to Rep. Barrus.

5. Update on Drilling on the West Tavaputs Plateau

Mr. Duane Zavadil, Vice President of Governmental Affairs, Bill Barrett Corporation, outlined the issues and concerns regarding the Tavaputs property. He noted there are increasing limits on grazing and extractive industries such as timber, coal, and natural gas. Mr. Zavadil explained that the property has the potential to produce over 30 percent of the state's overall natural gas production and provide a \$60 million a year benefit through the state's royalty share of ad valorem severance tax. He pointed out that the Bureau of Land Management has committed to making a decision on the project towards the end of the summer.

Members of the Committee discussed the importance of developing Utah's natural resources.

6. Other Business / Adjourn

Rep. Barrus proposed that, in its August or September meeting, the Committee receive a presentation on the process of carbon sequestration and the demonstration projects currently in place.

Mr. Allred indicated that Ms. Johnson asked him to relay to the Committee that the ordinances adopted by the counties have no effect on state primacy for regulating drinking water.

MOTION: Sen. Dayton moved to adjourn. The motion passed unanimously.

Chair Barrus adjourned the meeting at 11:40 a.m.